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SUPREME COURT OF THE UNITED STATES.

No. 36.

MOSES GROVES, AND JAMES GRAHAM, PLAINTIFFS IN ERROR.

vs.

ROBERT SLAUGHTER.

IN ERROR TO THE CIRCUIT COURT U. S. FOR EAST LOUISIANA.

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S. D. Langtree, Print.

UNITED STATES CIRCUIT COURT,
9th Judicial Circuit and Eastern District of Louisiana.

Be it remembered, that on the 11th day of February, 1839, came into court, Robert Slaughter, by his attorney, and filed the following petition, in the words and figures following, to wit:

To the honorable the judges of the circuit court of the United States, for the 9th judicial circuit, and eastern district of the State of Louisiana.

The petition of Robert Slaughter, a citizen of the State of Virginia, who resides in the county of Rappahannock in said State, respectfully shews: that Moses Groves, and James Graham, citizens of the State of Louisiana, who reside in the parish of Madison, within the eastern district of said State, are justly and truly indebted unto petitioner, in solido, in the full sum of seven thousand eight hundred and seventy-five dollars, with three dollars and fifty-cents, costs of protest, and with interest at the rate of eight per cent. per annum, from the 22d day of December, 1838, for this, to wit: That petitioner is holder and owner of a certain promissory note for the sum of seven thousand eight hundred and seventy-five dollars, drawn by John W. Brown, to the order of, and endorsed by R. M. Roberts, and which said note was also endorsed by said Moses Groves and James Graham, dated at Natchez, on the 20th day of December, 1836, and payable at the Commercial Bank of Natchez, State of Mississippi, twenty-four months after date, which said note, on the day of its maturity, was duly protested for non payment, after the legal demand of payment at the Commercial Bank of Natchez aforesaid, and the due notices of said demand and protest were given, all which will more fully appear by reference to the said note, and the endorsements thereon, which are hereunto annexed as a part of this petition and the protest thereof, which is hereunto annexed for reference.

Petitioner further alleges that R. M. Roberts is a citizen of the State of Arkansas, and that neither the said Roberts, said Groves, nor the said Graham, nor either of them were ever the holders or owners of the said note, but were the mere accommodation endorsers of the said Brown, and ther names were placed upon the said note to secure the payment thereof to the holder.

Petitioner further alleges, that the said Moses Groves, and James Graham, although thereunto amicably requested, refused to pay the amount for which they are indebted as aforesaid.

Petitioner therefore prays that the said Moses Groves and James Graham, be cited to appear and answer this petition, and that after due proceedings, they be condemned in solido, to pay to pe-

titioner, the aforesaid sum of seven thousand eight hundred and seventy-five dollars, with three dollars and fifty cents, costs of protest, and interest as aforesaid, from the date aforesaid, and costs of this suit. And petitioner asks for all general and equitable relief.

(Signed) BALIE PEYTON,
Atty. for Petitioner.

Copy of Note annexed.

$7875. NATCHEZ, *December 20th*, 1836.

Twenty-four months after date, I promise to pay to the order of R. M. Roberts, the sum of seven thousand eight hundred and seventy-five dollars, for value received, payable and negotiable at the Commercial Bank of Natchez, State of Mississippi.

(Signed.) JOHN W. BROWN.
Endorsed by
R. M. ROBERTS,
MOSES GROVES,
JAMES GRAHAM.

Endorsed. Filed, 11th February, 1839.
(Signed.) HOIT, *Dy. Clerk.*

And afterwards, to wit: on the 2d day of April, 1839, the following answer was filed.

ROBERT SLAUGHTER, vs M. GROVES AND JAS. GRAHAM. } U. S. Circuit Court.

The defendant Groves, denies all and singular, the allegations of plaintiff's petition, and pray to be hence dismissed with costs.

(Signed.) CARTER & BENJAMIN,
for Deft. Groves.

Endorsed. Filed, April 2d, 1839.
(Signed.) WINTHROP, *Clk.*

And afterwards, to wit: on the 4th day April, 1839, the following supplemental answer was filed.

To the honorable the circuit court of the United States, for the 9th judicial circuit, sitting in the eastern district of the State of Louisiana.

The supplemental answer of Moses Groves, a citizen of the State of Louisiana, to the petition filed against him in this honorable court, by Robert Slaughter, a citizen of the State of Virginia,

humbly shews: that he denies all the allegations of said petition, except such as are hereinafter admitted; and further answering, respondent alleges that the note sued upon, was given by the drawer, Brown, to the plaintiff, in part payment of the price of certain slaves; that said note was so given, in Natchez, in the State of Mississippi, on or about the 20th December, 1836. That the said Slaughter did introduce into the State of Mississippi, after the 1st May, 1833, the slaves for which said note was given as merchandize and for sale, and did sell said slaves so imported, to said Brown, and take in part payment therefor, said note, which had been endorsed in blank by respondent, to accommodate said Brown, with the express understanding, that the amount for which the blank note should be filled by him, should not exceed two or three thousand dollars; which understanding or agreement, was well known to said Slaughter, when he accepted said note after it had been filled up for the sum of seven thousand eight hundred and seventy-five dollars.

Respondent alleges that the cause or consideration for which said note was given, is null and void, and that the note itself is null and void and of no effect, because the contract in which it is founded is in direct violation of the Constitution of the State of Mississippi, which expressly prohibits the introduction of slaves into the State, for sale, after 1st May, 1833.

Wherefore, respondent prays that the petition of said Slaughter be dismissed, and that there be judgment in favor of respondent, and that plaintiff pay the costs of suit.

(Signed.) RICHARD M. CARTER,
Atty. for Deft. Groves.

(Signed.) BENJAMIN,
for Defendant.

Endorsed. Filed, April 4, 1839.

(Signed.) JNO. WINTHROP, *Clk.*

And afterwards, to wit: on the 20th day of May, 1839, the following answer was filed.

To the honorable the circuit court of the United States, for the 9th judicial circuit, sitting in the eastern district of the State of Louisiana.

The answer of Graham, a citizen of the State of Louisiana, to the petition filed against him in this honorable court, by Robert Slaughter, a citizen of the State of Virginia, humbly shews: that he denies all and singular, the allegations of said petition, except such as are hereinafter admitted; and further answering, respondent alleges, that the note sued upon, was given by the drawer, Brown, to the plaintiff, in part payment of the price of certain slaves; that said note was so given, in Natchez, in the State of

Mississipipi, on or about the 23d December, 1836; and that the said Slaughter did introduce into the State of Mississippi, after the 1st May, 1833, the slaves for which the said note was given as merchandise and for sale, and did sell said slaves so imported, to said Brown, and did take in part payment therefor, said note, which had been endorsed in blank by respondent to accommodate said Brown, with the express understanding, that the amount for which the blank note should be filled up by him, should not exceed two or three thousand dollars; which understanding or agreement, was well known to said Slaughter, when he accepted said note after it had been filled up for seven thousand dollars, with eight per cent. interest thereon.

Respondent alleges further that the cause or consideration for which said note was given, is null and void, and that the note itself is null and void and of no effect, because the contract on which it is founded, is in direct violation of the Constitution of the State of Mississippi, which expressly prohibits the introduction of slaves into that State, for sale, after the 1st May, 1833.

Wherefore, respondent prays that the petition of said Slaughter be dismissed, and that there be judgment in favor of respondent, and that plaintiff pay the costs of suit, and prays for trial by jury.

CARTER & BENJAMIN,
Atty for Deft.

It is agreed by the undersigned, counsel for the parties in the within mentioned case, that the judgment by default heretofore taken be set aside and the answer filed, that the case be considered at issue immediately; and further, that all the evidence which has heretofore been taken, either by Robert Slaughter or Moses Groves, shall be read as evidence on the trial of this cause, as well as on the trial of the cause of said Slaughter, against said Groves, leaving all legal exceptions which may be made to the evidence, by and on behalf of said Groves and none other, except as to the legality of the depositions taken by and on behalf of said Groves, &c.

May 20th, 1839.

(Signed.) B. PEYTON, *Atty. for Plff.*
" R. M. CARTER & J. P. BENJAMIN,
Attys. for Defts.

(Endorsed.) Filed, May 20, 1839.
(Signed.) J. WINTHROP, *Clk.*

And afterwards, to wit: on the 14 June, 1839, the following agreement was filed, as a statement of facts, by the parties:

SLAUGHTER,
vs.
GROVES & GRAHAM.

SLAUGHTER, *vs.* BROWN et als. } U. S. Circuit Court.

In these cases it is consented that the question of fraud is waived by defendants, except as hereinafter reserved; the case is to be defended solely on the question of the legality and validity of the consideration for which the note sued on were given. It is admitted, that the slaves for which said note were given, were imported into Mississippi, as merchandize and for sale, in the year 1835 and 1836, by plaintiff, but without any previous agreement or understanding, express or implied, between plaintiff and any of the parties to the note, but for sale generally, to any person who might wish to purchase. The slaves have never been returned to plaintiff, nor tendered to him by any of the parties to the notes sued on.

(Signed.) CARTER & BENJAMIN, *for Defts.*
(Signed.) PEYTON & PIERSE, *for Plfft.*

(Endorsed.) Filed, 14th June, 1839.
D. N. HENNEN, *Clk.*
By L. C. HORNSLY, *Dy. Clk.*

And afterwards, to wit: on the 22d day of June, 1839, the following judgment was rendered:

Saturday, 22d June, 1839.
Present, Honorable John McKinley, Presiding Judge,
" Honorable P. K. Lawrence, District Judge.

ROBERT SLAUGHTER, *vs.* GROVES & JAS. GRAHAM. } No. 402.

The court having maturely considered this case, now order, adjudge and decree, that judgment be entered up in favor of the plaintiff, and against the defendants, Moses Groves and James Graham, jointly and severally, for the sum of seven thousand eight hundred and seventy-five dollars, with interest thereon, at the rate of eight per centum per annum, from the twenty-second day of December, 1838, until paid, and for three dollars and fifty cents, costs of protest and for costs of suit.

Judgment entered, June 22d, 1839.
Judgment signed, June 29th, 1839.

(Signed.) P. K. LAWRENCE,
U. S. Judge.

CLERK'S OFFICE, U. S. CIRCUIT COURT,
9th Circuit, Eastern District of Louisiana.

I do hereby certify that the foregoing transcript contains a true copy of the pleadings statement of facts upon which the cause was tried, and the judgment of the court thereon, in the case of Robert Slaughter, *vs.* Moses Groves and James Graham, No. 402, of said court, as fully as the same remains on record in this office.

Witness my hand, and the seal of the said court, at New
[L. S.] Orleans, this twenty-ninth day of May, one thousand eight hundred and forty.

DUNCAN N. HENNEN, *Clk.*

UNITED STATES OF AMERICA, *ss.*

The President of the United States, to the honorable the judges of the circuit court of the United States, for the ninth circuit and eastern district of Louisiana, greeting:

Because, in the record and proceedings, as also in the rendition of the judgment of a plea, which is in the said circuit court, between Robert Slaughter, plaintiff, and Moses Groves and James Graham, defendants, a manifest error hath happened to the great damage of the said Moses Groves and James Graham, as by their complaint appears. We being willing that error, if any has been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington, on the second Monday of January next, in the said Supreme Court, to be then and there held, that the record and proceedings aforesaid, being inspected, the said Supreme Court may cause further to de done therein to correct that errror, what of right and according to the laws and customs of the United States ought to be done.

Witness the honorable Roger B. Taney, Chief Justice of the Supreme Court, this second Monday of January,
[L. S.] 1840, and the 64th year of the Independance of the United States. DUNCAN N. HENNEN, *Clerk.*

I do hereby certify that a true copy of the within writ of error was lodged in my office for the defendant in error, Robert Slaughter, on the 22d day of May, 1840, agreeably to law.

DUNCAN N. HENNEN, *Clerk.*

The United States of America, to Robert Slaughter, greeting:

You are hereby cited and admonished, to be and appear at a Supreme Court of the United States, to be holden at Washington,

on the second Monday of January next, pursuant to a writ of error filed in the clerk's office of the circuit court of the United States, for the ninth judicial circuit, and eastern District of Louisiana, wherein Moses Groves and James Graham, are plaintiffs in error, and you are defendant in error, to show cause if any there be, why the judgment rendered against the said plaintiffs in error, as in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the honorable Roger B. Taney, Chief Justice of the Supreme Court of the United States, this second Monday of January, in the year of our Lord, one thousand eight hundred and forty.

P. K. LAWRENCE, *U. S. Judge.*

Received May 22d, 1840, and on the 23d same month served a copy of the within citation, on Robert Slaughter, in person, at New-Orleans. M. MARIGNY.

per WM. K. STILES, *Dy. U. S. Marshal.*